

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

GEORGE LEE MARSHALL, JR.,

Case No. 3:20 cv 00146-CL
ORDER

Plaintiff,

v.

OREGON DEPARTMENT OF
CORRECTIONS, et al.,

Defendants,

AIKEN, District Judge.

Magistrate Judge Mark Clarke has filed his Findings and Recommendations (“F&R”) (Doc. 36) recommending that defendants Kate Brown and Oregon Department of Corrections’ Motion to Dismiss (Doc. 14) should be granted. This matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

No objections were timely filed. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final decision.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir.

2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory Committee, the Court review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule).

The Court finds no clear error in Magistrate Judge Mark Clarke’s F&R. Accordingly, the Court adopts the F&R (Doc. 36) in its entirety. Defendants Kate Brown and Oregon Department of Corrections' Motion to Dismiss (Doc. 14) is granted.

IT IS SO ORDERED.

Dated this 12th day January, 2021.

/s/Ann Aiken
Ann Aiken
United States District Judge